

REMARKS

This application pertains to a novel flame-retardant pressure-sensitive adhesive, having improved bond strength.

Claims 1-32 are pending; and Claim 1 is amended.

In the March 18, 2008 Advisory Action, the Examiner indicates that Applicants' request for consideration has been reviewed and is not found persuasive for the same reasons as stated in the February 19, 2008 Advisory Action. Additionally, the Examiner indicates that the arguments presented by the Examiner are incorporated here by reference.

The Examiner alleges that the term "a flame retardant component consisting of ammonium polyphosphate" only limits that particular component to be the ammonium polyphosphate. The Examiner also alleges that other components of the composition, such as, additional flame retardants, are enabled because Applicants' independent claim contains the open language of "comprising".

Now, in a determined effort to advance the prosecution of this case, Claim 1 is amended to require a sole flame retardant component consisting of ammonium polyphosphate. Support for this can be found in Examples 1-3 of the present specification, where ammonium polyphosphate is the only flame retardant included. These examples prove and convey to persons skilled in the art that as of the filing date of the present invention, Applicants had possession of the now claimed invention

wherein the recited flame retardant component is the sole component in the pressure-sensitive adhesive, thereby satisfying the written description requirement.

Amended Claim 1 excludes the presence of any flame retardant and/or additional flame retardants other than ammonium polyphosphate. More specifically, notwithstanding the presence of the term "comprising" with respect to the components a, b and c of claim 1; the limitation of the claim to a sole flame retardant component consisting of ammonium polyphosphate would exclude any other flame retardants. Thus, Applicants submit that the amendments to Claim 1 address the issues raised by the Examiner in the March 18, 2008 Advisory Action.

In response to the January 18, 2008 Advisory Action, Applicants asserted that the Examiner indicated the New matter rejection is withdrawn, but later indicated all rejections of record as stated in the October 11, 2007 final office action are incorporated here by reference.

Thus, it is believed that the Examiner meant that all art rejections remain.

Claims 1-4, 6-8, 10-13, 18-27, 31 and 32 stand rejected under 35 U.S.C. 102(b) as anticipated by Parsons (US 5,851,663).

Nowhere does Parsons teach or suggest a flame-retardant pressure-sensitive adhesive having a flame retardant component consisting of ammonium polyphosphate

wherein the flame retardant component is the sole flame retardant component in the pressure-sensitive adhesive as required in amended Claim 1.

On the contrary, Parsons requires a flame retardant component that comprises at least two compounds. At col. 2, line 57, Parsons teaches a flame retardant, derived from EP 0115871, which comprises a nitrogen containing oligomer and ammonium polyphosphate. EP 0115871 is equivalent to US 4,504,610 and from the 610 reference it is clear that the flame retardant component requires both the ammonium phosphate and an oligomer or polymer derived from 1, 3, 5 triazine. Parsons also discloses other combinations of ammonium polyphosphate and e.g. flame retardant synergists and co-agents (col. 2, lines 63-65).

Clearly, Parsons fails to teach or suggest a flame-retardant pressure-sensitive adhesive having a flame retardant component consisting of ammonium polyphosphate wherein the flame retardant component is the sole flame retardant component in the pressure-sensitive adhesive as required in amended Claim 1 because the flame retardant component of Parsons requires at least two compounds.

It is believed that this amendment overcomes the rejection, and the rejection of claims 1-4, 6-8, 10-13, 18-27, 31 and 32 under 35 U.S.C. 102(b) as anticipated by Parsons (US 5,851,663) should be withdrawn.

Claims 1-3, 5-15, 19 and 21-29 stand rejected under 35 U.S.C. 102(a or e) as anticipated by Sakurai (US 6,893,583 or US 2002/0193487) in view of evidence provided in US 6,488,958 to Himmelsbach.

Himmelsbach is cited for a disclosure of tackifiers.

Applicants' claims are drawn to a pressure-sensitive adhesive and Applicants have pointed out to the Examiner that Sakurai has nothing to do with a pressure sensitive adhesive. In response the Examiner argues that Sakurai's adhesives can be pressure-sensitive since two surfaces have to be pressed together to be bonded with Sakurai's adhesive.

Pressure-sensitive adhesives are known in the art to be adhesives that are capable of bonding to surfaces simply by the application of light pressure.

Sakurai does not teach pressure-sensitive adhesive composition, and the Example at paragraph [0073] of Sakurai clearly indicates to those skilled in the art that Sakurai's adhesive is not a pressure sensitive adhesive. The adhesive is applied by coating to one substrate, a second substrate is laid over the coating on the first, and the adhesive is then aged at room temperature i.e., cured. This clearly suggests that the adhesive is not pressure-sensitive.

More important, Sakurai does not disclose his adhesive as being self-adhesive, and speculation that it might be does not constitute prior art and cannot properly be the basis for a rejection.

Nothing in Himmelsbach would compensate for the deficiencies of the Sakurai reference.

Accordingly, there is no way that Sakurai, with or without Himmelsbach could possibly be viewed as anticipating Applicants' claims, and the rejection of claims 1-3, 5-15, 19 and 21-29 under 35 U.S.C.102(a or e) as anticipated by Sakurai (US 6,893,583 or US 2002/0193487) in view of evidence provided in US 6,488,958 to Himmelsbach should now be withdrawn.

Claims 1-32 stand rejected under 35 U.S.C. 103(a) as obvious over Parsons (US 5,851,663) or Sakuari (US 6,893,583 or US 2002/0193487) in view of Nishumura (US 2005/0227065). The Examiner cites Nishumura for a teaching of "other monomers" of acrylates, photoinitiators and specific molecular weights.

No "other monomers" of acrylates, photoinitiators or specific molecular weights could possibly overcome the differences shown above between the disclosure of the primary references and subject-matter of Applicants' claims.

The rejection of claims 1-32 under 35 U.S.C. 103(a) as obvious over Parsons (US 5,851,663) or Sakuari (US 6,893,583 or US 2002/0193487) in view of Nishumura (US 2005/0227065) should therefore now be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1 – 32 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By /Brian C. Anscomb/
Brian C. Anscomb
Reg. No. 48,641

BCA/hs
875 Third Avenue- 18th Floor
New York, New York 10022
(212) 808-0700